

Held September 18, 20 2017

CALL TO ORDER: Mayor Dave Kaup called to order the Regular Council Meeting on September 18, 2017 at 7:30 pm at the Village of Fort Recovery Council Meeting Room to conduct regular business.

Roll call was conducted with the following Council members **Present:** Erik Fiely, Cliff Wendel, Al Post, Dave Garman, Scott Pearson and Dave Bretz. **Also Present:** Randy Diller, Roberta Staugler, Erin Minor, PG Jellison, Sydney Albert, Rose Skelly, Brandon Wyrick and Neal Spencer.

The Mayor led with prayer and the Pledge of Allegiance.

Minutes: Wendel made the motion to approve the August 21, 2017 minutes seconded by Fiely. Vote all yes.

Reports to Council: VA Report, August Income Tax, FINX Fund & Expense and Police report.

Poll Visitors: Nothing to report.

RESOLUTION/ORDINANCES

RESOLUTION 2017-23 A RESOLUTION ACCEPTING AMOUNTS AND RATES AND AUTHORIZING TAX LEVIES. Pearson made a motion to suspend the rules seconded by Garman. Vote all yes. Post made a motion to pass the resolution seconded by Fiely. Vote all yes.

RESOLUTION 2017-24 A RESOLUTION ACCEPTING THE AMOUNT OF LOCAL GOVT FUNDS. Pearson made a motion to suspend the rules seconded by Garman. Vote all yes. Wendel made a motion to pass the resolution seconded by Pearson. Vote all yes.

RESOLUTION 2017-25 A RESOLUTION TO AMEND 2017 APPROPRIATIONS. Pearson made a motion to suspend the rules seconded by Garman. Vote all yes. Post made a motion to pass the resolution seconded by Fiely. Vote all yes.

RESOLUTION 2017-26 A RESOLUTION TO TRANSFER \$22,000 FROM GENERAL FUND TO SEWER IMPROVEMENT FUND. Pearson made a motion to suspend the rules seconded by Garman. Vote all yes. Post made a motion to pass the resolution seconded by Fiely. Vote all yes.

Diller: The FEMA Mitigation agreement did not change from the draft. It addresses things we are currently doing. It will take care of what the Village needs, we will forward it to the County and we should be good for five years. **Minor:** This FEMA agreement is important to be eligible for Federal Funds in the case of a disaster.

RESOLUTION 2017-27 A RESOLUTION TO APPROVE THE MERCER CO MITIGATION PLAN 2017. Pearson made a motion to suspend the rules seconded by Garman. Vote all yes. Fiely made a motion to pass the resolution seconded by Wendel. Vote all yes.

Staugler: presented the August Bank Reconciliation.

Minor: Capital Budget Bill: Bruns Building to begin construction late fall probably around Thanksgiving.

Nature Works Grant: The rubber surfacing has been poured. The contractor has also repaired a few areas. Jerry hopes to get swings put up and the merry go round and fort installed this week. He will also complete dirt work and get it seeded soon. We have applied for funding to replace fencing around the pool. We will find out in October if our application was approved.

OPWC: Randy has been doing the leg work for State Route 49 reroute possibilities.

RECORD OF PROCEEDINGS
VILLAGE OF FORT RECOVERY REGULAR COUNCIL

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BEAR GRAPHICS 800-325-8094 FORM NO. 10148

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Pavilion: We are getting quotes from local contractors and sub-contractors. We will be compiling the information soon. If you want to purchase a paver you can still do so. We have not set a deadline, if you want to donate you still can. The plan is to complete the pavilion mid-summer 2018 and be able to rent it in 2019.

Farmers Market: The Market will be held Saturday September 30th in the parking lot next to Sunshine Boutique from 9am – 12pm.

Annexation: SR 49 Annexation: The speed limit signs have been installed on SR 49. Heading north into town, the speed limit from the corporation limit to Commerce Street is 50mph. From Commerce Street into town, the speed limit is 35mph. Heading south out of town, the speed limit is 35mph until Commerce Street, then 50mph until you pass the corporation limit. We have had a few complaints from residents that there was not enough signage. There is no sign until the Wendel house. We have requested another sign be placed at Wigg St & SR49. We will get another sign soon. **Leuthold:** We received a transcript last week. We will wait the necessary 60 days. The sanitary and water is ready for them to hook into.

William Street: We are waiting on the school to sign two storm sewer easements. They have a meeting at which I expect approval and signatures. We should have the easements finalized and recorded by the end of the week.

Medical Marijuana: Our Medical Marijuana moratorium became effective September 8, 2016. Randy was authorized to extend the moratorium for six months. On October 3, 2017 our moratorium will expire. We need to decide what we want to do going forward. The rules have been finalized. The rules allow the patient on the recommendation of a physician to use medical marijuana which can consist of oils, tinctures, edibles or patches. They cannot have it in a form attractive to children. A Board of Pharmacy will take care of the medical regulations for patients and medical staff. There will be a board that will issue certificates and the Department of Commerce will issue licenses for processors and testing. All rules are in place but will not be fully implemented until 9-8-18. There are limits on how many retail dispensaries can be established. We are in the Northwest region. Each region has districts; we are in the NW district 2 which consists of Van Wert, Paulding and Mercer counties. There will only be one dispensary in our district of three counties. Therefore it might not end up being in our county. We need to decide what we want to do going forward. To date 20 communities have imposed permanent bans on selling medical marijuana. I would like to see us take action by October 2nd. **Diller:** We had hoped the Pharmacy's would be the businesses to sell medical marijuana. We feel it would make the most sense, but that's not what they decided. The store front shop is how they decided to dispense medical marijuana. **Minor:** As a patient you have to register with the state. The Physician will fill out an application on the patient's behalf. When you want to make a medical marijuana purchase you will take the card and a script to make the purchase. In our three county district there will be one licensed retail dispensary. It is possible that no business will want to apply. **Wendel:** Are you looking to see if we want to allow a dispensary? **Minor:** It is unlikely that we will have a cultivator, more likely candidate for a retail dispensary. **Kaup:** How will it be sold? **Minor:** It will be sold in oils, tinctures, edibles or patches. Patients can only have a 90 day supply which will depend on how much TSC is in the product. Urban areas will be approved for more dispensaries. **Wendel:** Can someone go to Greenville to make purchases? **Minor:** Yes. I have not heard if Indiana has anything in place or if they can enter into an agreement for people to purchase from adjacent states. **Wendel:** Is the tax revenue any different? **Minor:** No the revenue is not taxed any different. **Kaup:** What are the concerns? **Fiely:** I think the biggest issue may be; will people be robbing the dispensary? **Minor:** One thing you have to think about; by not prohibiting it are we in turn encouraging the use of this stuff? **Bretz:** I have no problem with it. It works for people with cancer. **Fiely:** Are we better or worse off by allowing it; or will they go to Van Wert? **Diller:** The chance is we are probably so small they won't come here. What do you think the community will say? You guys need to go out and get feedback from the community. There really is less than a 1% chance they would come here. VanWert would probably be the place. **Wendel:** I feel the scariest thing is will some doctors write scripts for everyone. **Minor:** The Doctor will give recommendations to

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patients only for qualified medical conditions. There are 20 listed and there are potential areas of abuse. **Wendel:** I think we should discuss with the community to get feedback and vote at the next meeting. **Post:** We don't have to decide now do we? **Minor:** My concern is if we don't do something by the next meeting we would have a gap. We could extend the moratorium for another six months. If we don't have it in place we would have nothing on the books and we would have no tools to stop someone from opening up shop. **Diller:** Nor could we decide if it would be acceptable. **Wyerick:** I have seen some medical marijuana cards. **Mayor:** Have you and Chief Laux discussed it? **Wyerick:** Not really. **Mayor:** You might want to discuss it. **Minor:** If you want more details I can help with that. **Mayor:** The reality is do you feel it is ok in our community, should it be up for further discussion? **Minor:** If putting it off into the future to decide, we wouldn't have any tools if a business wants to open. **Pearson:** Is there price limits on the marijuana? **Diller:** It would be based on supply and demand. **Mayor:** Do we want to table it? It was the consensus of council to table it until the next meeting.

Minor: There is a house bill pending. The bill would allow municipalities to opt out of paying prevailing wages on projects over 250,000. There is a similar bill pending in the senate. It will be presented for the second hearing this week; I will keep an eye on it. **Diller:** The House Bill added the \$250,000 amount; I think it should be on all amounts. It has been on our radar for a long time. **Minor:** For us any type of street project we could avoid paying prevailing wage, saving 20%. **Wendel:** Do we know what kind of impact this would have? **Diller:** I would guess 15-25% of the cost of the project.

Diller: Project Updates: **Lagoons:** The final payment was issued; the check is being held until final paperwork has been received from Dan Jutte. We are waiting on prevailing wage paperwork.

William Street: We are waiting on the school to finalize the easements. We will have a preconstruction meeting later this year. The underground work will be done this winter and they will be ready to finish in the spring.

First Street Utility: The project is complete. We have been six weeks without rain which didn't help with the seeding. They will be back to touch it up. We received the final draw today. The total project came to \$128,225; the bid was \$141,923 so it was \$13,700 under the actual bid. A few changes were made. **Fiely made a motion to authorize payment of \$46,972.53 seconded by Wendel. Vote all yes.** **Diller:** I will monitor the seeding.

Utility: EPA was out two weeks ago for the final CSO inspection. They popped the man holes and took pictures. We received a draft permit today. The new NPDES permit will require us to monitor the outflow of storm water for two years. A part of the new NPDES permit is a 24 month plan then the plan will go away. **NOV letter:** We have addressed all the issues. It has been updated. We will monitor the aerators until next June. We will decide if we need additional aerators or need to replace them with more cost efficient ones. **Water:** The CO2 tank in use will be replaced with the new one when it is plumbed in next week. One filter media is in place. We need to replace the caustic soda by 2020. We are back to being in good standing with EPA.

Park Board: The concrete approaches have been poured to the restrooms.

Courts Project: The contractor did install a silt fence around the whole project area.

Zoning: We do have a conditional use permit hearing next week.

FEMA: The final version was submitted to FEMA for their review and approval. Randy read thru the agreement. Included are actions to keep things like flood and windstorm from being a problem which are the most ongoing items.

LED Street Lights: We should finish completing the rebate application this week.

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Truck Route: We have received the updated engineers estimate. This project is unobtainable in its current shape. If the cost is that much, we won't do the project. We will meet with property owners and talk to the industries in town. When we have a plan we will knock on ODOT's door to see if or what they can help us with. I will keep you informed. **Minor:** We are exploring funding potentials with Jared Ebbing also. **Bretz:** Have you talked to Versailles. **Diller:** Midmark owned the property the new road was put on. I will report at the next meeting.

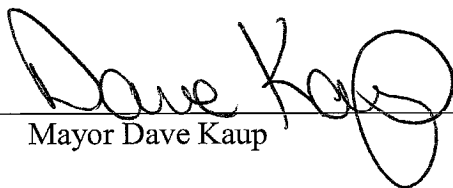
Important dates: The Farmers Market will be 9/30/17, Cruise In 10/15/17 and the One of a Kind Auction 10/15/17.

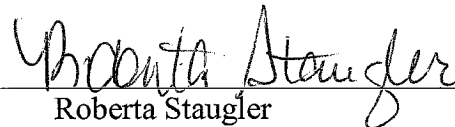
Mayor: The Chief gave me some information on solar lights that flash for 35MPH. He would like to try them out. I don't remember the process. Does Council feel the need? I think 119 West, Sharpsburg Road, SR 49 S and Union City Road are the places that could use it. **Diller:** I have obtained pricing; we started looking at prices for the school zone. I am working on it right now. The electric sign for the school zone was \$400 cheaper. **Mayor:** Can we get one to see how it works? Randy will work on this.

Poll Council: Fiely: I had someone ask if we have any intention of putting trees back in the place where the planters are. **Diller:** Steve Stone said he would plant trees again. It is still being talked about.

Council reviewed invoices #027210 to #027276 including then and now certificates, inter-departmental transfers and memo expenses #201754 to #201762. Wendel made a motion to approve as presented, which was seconded by Pearson. Vote all yes.

Wendel made a motion to adjourn the meeting seconded by Fiely. Meeting adjourned at 8:37 PM.


 Mayor Dave Kaup


 Roberta Staugler